

4.427
BILL NO. S-79-03-28

SPECIAL ORDINANCE NO. S- 67-79

AN ORDINANCE approving a contract for
Water Contract No. 78-XP-3, between
the City of Fort Wayne, Indiana and
North Eastern Construction Company,
for construction of water main.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That a certain contract, dated March 14, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works and North Eastern Construction Company, for:


construction of a 16" water main along Rothman Road
from Meri-Wood Drive eastward 1000± LF, in Tanbark,
Section I,

under Board of Public Works Water Main Contract Agreement No. 78-XP-3, at
a total cost of \$24,117.50, all as more particularly set forth in said contract
which is on file in the Office of the Board of Public Works and is by reference
incorporated herein and made a part hereof, be and the same is in all things
hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage
and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____

_____ and duly adopted, read the second time by title and referred to the
Committee on Hinga City Ytation (and the City Plan Commission for
recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers,
City-County Building, Fort Wayne, Indiana, on _____, the _____ day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 3-27-79 _____
CITY CLERK

Read the third time in full and on motion by Burns,
seconded by V. Schmidt, and duly adopted, placed on its passage.

PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	<u>X</u>	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	<u>X</u>	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 4-10-79

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE
(~~RESOLUTION~~) No. 15-67-79 on the 10th day of April, 1979
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th
day of April, 1979 at the hour of 2 o'clock P. M., E.S.T.

CITY CLERK

Approved and signed by me this 17th day of April, 1979
at the hour of 4:00 o'clock P. M., E.S.T.

MAYOR

Bill No. S-79-03-28

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract for Water Contract No. 78-XP-3, between the
City of Fort Wayne, Indiana and North Eastern Construction Company,
for construction of water main

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance ex PASS.

PAUL M. BURNS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

DONALD J. SCHMIDT

JAMES S. STIER

4-11-79 CONSIDERED
DATE APR 11 1979 CHARLES W. WETTERMAN, CITY CLERK

AGREEMENT

Water Main Contract No. 78-XP-3

FOR CONSTRUCTION OF ROTHMAN ROAD FROM MERI-WOOD DRIVE EAST 1000 ± LF

THIS AGREEMENT, made and entered into this 14th day of March, 1978, by and between North Eastern Construction Company, herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, herein called OWNER,

WITNESSETH that the Contractor and the Owner for the considerations hereinafter named, agrees as follows:

ARTICLE 1. SCOPE OF WORK

Contractor shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for installation of 16" water main along Rothman Road from Meri-Wood Drive, Eastward 1000 ± LF all according to the drawing of Tanbark Sec. I, prepared by Turnbell-Green & Associates, Inc., approved by Fort Wayne Water Utility Engineering Department on September 12, 1978.

ARTICLE 2. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the contract the unit price sum of \$24,117.50. In event the amount of work is increased or decreased by the Owner, the contract sum shall be increased or decreased according to the unit price schedule set forth in the Contractor's Proposal.

ARTICLE 3. ACCEPTANCE AND PAYMENT

Payment shall be due at the time the work is fully completed and the contract is fully performed.

Upon filing of a Completion Affidavit by the Contractor that the work is ready for final inspection and acceptance, the Board of Public Works will direct the Engineering Department of the Owner to promptly make such inspections. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works who shall issue a final certificate stating that the work provided for in this Contract has been completed and is accepted, and the entire amount of the contract shall be due and payable to the Contractor.

At the time said payment is due and payable, the Contractor shall furnish the Owner, if requested to do so, satisfactory evidence that all persons who have supplied labor, material or equipment for the work have been fully paid.

ARTICLE 4. GUARANTEE OF WORKMANSHIP

At the time the Completion Affidavit is filed, the Contractor shall furnish a one (1) year Guaranty Bond in favor of the City of Fort Wayne and in the amount of twenty-five (25%) percent of the total construction cost or \$6,029.38.

ARTICLE 5. THE CONTRACT DOCUMENTS

"Detailed Specifications and Conditions for the Installation of Transmission and Distribution Main," dated March 22, 1976, is fully a part of the Agreement.

ARTICLE 6. ADJUSTMENT OF DISPUTES

All questions or controversies which may arise between the Contractor and the Owner under the provisions of this Contract shall be subject to the decision of the Chief Engineer of the Fort Wayne Water Utility of the Owner, and his decision shall be final and conclusive upon the parties.

Provided, however, that no changes in plans, specifications, or other phases of the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works.

ARTICLE 7. INDEMNITY

Contractor shall indemnify the Owner against any claim or loss incurred or arising out of the performance of the work as provided herein.

ARTICLE 8. COUNCILMANIC APPROVAL


This Agreement, although executed on behalf of the Owner by its Mayor and the Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within ninety (90) days after the date hereof, then this Contract shall be and become wholly void.

Agreement for Water Main Contract No. 78-XP-3
Page Three
November 9, 1978

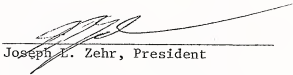
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

NORTH EASTERN CONSTRUCTION COMPANY

ATTEST:


Arlene K. Duncan Secretary

By:


Joseph L. Zehr, President

CITY OF FORT WAYNE, INDIANA

By:

Robert E. Armstrong, its Mayor

ATTEST:

BOARD OF PUBLIC WORKS:

Ursula Miller, Clerk

Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

APPROVED AS TO FORM
AND LEGALITY:

Max G. Scott, Member

Larry Burke, Assoc., City Attorney

Approved by the Common Council of the City of Fort Wayne on the _____ day
of _____, 1978.

Special Ordinance No. _____

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public, in and for said County and State, this _____ day of _____, 197____, personally appeared the within named ROBERT E. ARMSTRONG, Mayor of the City of Fort Wayne; HENRY P. WEHRENBURG, ETHEL H. LAMAR, and MAX G SCOTT, members of the Board of Public Works, City of Fort Wayne, Indiana; URSULA MILLER, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

My Commission Expires: _____

NOTICE OF WATER MAIN EXTENSION

Contract No. 78-XP-3

Work Order No. 63423

Board Order No. 152-78

TO WHOM IT MAY CONCERN

WHEREAS, the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, acting by and through the Mayor and the Board of Public Works, has extended 1000± LF 16" Water Main along Rothman Road from Meri-Wood Drive, eastward 1000± LF to the East boundary line of Tanbark Section I, as recorded in Plat Book 42, page 4-8, in the Recorder's Office, Allen County, Indiana, and WHEREAS, said water main extension abutts or affects the following described property, to-wit:

The property on the south side of and adjacent to Rothman Road from a point 9± feet east of the west right-of-way line of Meri-Wood Drive, and its southerly extension, eastward to the west boundary line of Hillsboro Addition, Section III, as recorded in Plat Book 40, page 127-131, in the Recorder's Office, Allen County, Indiana.

Notice is, therefore, hereby given that in the event the owner of any of the above described property should, in the future, desire to have a service connection tap made into this water main within 15 years of the date of recording this "Notice", the said owner shall apply to the Water Utility for a permit to tap the above said water main and shall be required to pay to said Water Utility, his share of the installation cost in addition to the regular tapping fee, which share shall be \$8.50 for each foot of frontage served by said main for the property described above, as owned by said applicant, where such property is residential type use and \$9.40 for each foot of frontage for all other types of use. The above cost for each foot of frontage of property shall be chargeable to the respective property from the date of filing of this Notice, and said cost is based on the cost of installing a six inch (6") or eight inch (8") water main, respectively. Monies so collected shall be retained by the Utility as partial reimbursement of the costs advanced by the Utility for the construction of said water main.

Said water main, connections and fittings, hereinreferred to, are a part of the water works system of the said Utility of said City, and all rights, title and interest whatsoever, shall at all times by and remain in the City of Fort Wayne, Indiana.

Date

FORT WAYNE WATER UTILITY

ATTEST:

By: _____
Robert E. Armstrong, its Mayor

Ursula Miller

BOARD OF PUBLIC WORKS

APPROVED AS TO FORM & LEGALITY:

By: _____
Henry P. Wehrenberg, Chairman

Larry J. Burke, Assoc. City Attorney

By: _____
E. H. LaMar, Member

Prepared by D. L. Foland, P.E.
Chief Water Engineer

By: _____
Max G Scott, Member

WECONT
JOB I
STORED FF #6

NOTICE OF WATER MAIN EXTENSION

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public, in and for said County and State, this _____ day of _____, 197____, personally appeared the within named ROBERT E. ARMSTRONG, Mayor of the City of Fort Wayne; HENRY P. WEHRENBURG, ETHEL H. LAMAR, and MAX G SCOTT, members of the Board of Public Works, City of Fort Wayne, Indiana; URSULA MILLER, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

My Commission Expires: _____



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

December 8, 1978

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

The Board of Works is entering into a Water Main Contract Agreement, No. 78-XP-3, for the construction of a 16" water main along Rothman Road from Meri-Wood Drive eastward 1000+ LF, in Tanbark, Section I, with North Eastern Construction Company, Contractor for same. Contract amount is \$24,117.50, to be paid the contractor. Tap-in fee for residential property owners will be \$8.50 for each front foot and \$9.40 for all other types of use.

Contractor is anxious to install said water main while ground is still not covered by heavy snow mounds and therefore wishes "Prior Approval" to proceed with construction immediately.

Therefore, Board of Works respectfully requests "Prior Approval" so that work may begin immediately.

Special Ordinance for formal approval will be submitted in the very near future.

Sincerely,

BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
HENRY P. WEHRENBURG, CHAIRMAN

CITY OF FORT WAYNE

Robert E. Armstrong
ROBERT E. ARMSTRONG, MAYOR

ep

APPROVED:

John Nichols *Amuel J. Talarico*
MEMBERS OF THE COMMON COUNCIL

ATTEST:

Charles W. Westerman
CHARLES W. WESTERMAN, CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

December 8, 1978

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Henry P. Wehrenberg
HENRY P. WEHRENBURG, CHAIRMAN

CITY OF FORT WAYNE

Robert E. Armstrong
ROBERT E. ARMSTRONG, MAYOR

ep

APPROVED:

Charles W. Westerman

William J. Schmidt

John Stuchlik

ATTEST:

Charles W. Westerman

CHARLES W. WESTERMAN, CLERK

William J. Schmidt

William J. Schmidt

Samuel J. Talarico

MEMBERS OF THE COMMON COUNCIL

4427

TITLE OF ORDINANCE SPECIAL ORDINANCE - WATER MAIN CONTRACT NO. 78-XP-3 - ROTHMAN RD. FROM MERI-
WOOD DR. EAST 1000+ LF

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-79-03-28

SYNOPSIS OF ORDINANCE WATER MAIN CONTRACT NO. 78-XP-3, FOR CONSTRUCTION OF ROTHMAN ROAD

16" WATER MAIN FROM MERI-WOOD DRIVE, EASTWARD 1000+ LF WITH NORTH EASTERN CONSTRUCTION
COMPANY, CONTRACTOR FOR THE PROJECT.

(CONTRACT ATTACHED)

PRIOR APPROVAL ACQUIRED DECEMBER 8, 1978

EFFECT OF PASSAGE CONSTRUCTION OF WATER MAIN TO SERVE THE ABOVE-DESCRIBED AREA

EFFECT OF NON-PASSAGE INABILITY TO CONSTRUCT WATER MAIN AS PLANNED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$24,117.50 TO BE PAID BY CITY UTILITIES
TO CONTRACTOR

ASSIGNED TO COMMITTEE